IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CODY MALLOY,	§	
Plaintiff,	§	
	§	
VS.	§	
	§	C.A. A08CA742SS
	§	
RSC EQUIPMENT RENTAL, INC.,	§	
and CLARISSA MELTON,	§	
Individually,	§	
Defendants.	§	

JOINT MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff Cody Malloy, Defendant RSC Equipment Rental, Inc., and Third-Party Defendant Stone Construction Equipment, Inc. file this their Joint Motion to Dismiss.

1. On September 4, 2008, Plaintiff sued Defendant RSC Equipment Rental, Inc. in Travis County District Court, which suit was removed to this Court and assigned Civil Action No. A08CA742SS.

2. On October 31, 2008, RSC Equipment Rental, Inc. filed its Third Party Complaint against Stone Construction Equipment, Inc.

3. On April 29, 2009, Plaintiff RSC Equipment Rental, Inc. and Stone Construction Equipment, Inc. reached a settlement in the above-referenced matter.

4. Plaintiff moves to dismiss with prejudice all of his claims in the above captioned lawsuit against Defendant RSC Equipment Rental, Inc.

5. Defendant RSC Equipment Rental, Inc. moves to dismiss with prejudice its claims in the above captioned lawsuit against Third Party Defendant Stone Construction Equipment, Inc.

6. All court costs and attorneys' fees shall be taxed against the party incurring same.

7. This dismissal is with prejudice.

The parties respectfully request that the Court grant their Joint Motion to Dismiss and any and other relief to which they may be entitled.

Respectfully submitted,

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